IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 3201 OF 2004

Pravinkumar Y. Mishra. ...Petitioner.
Vs.
Bombay Hindi Sahitya Parishad through
its Chairman/President/Secretary & Ors. ...Respondents.

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Mr. Sunil Dighe for the Petitioner.
Mr. S.K. Dubey with Mr.Rajesh Singh for Respondent Nos.1 and 2.
Ms.S. Sreedharan, AGP for Respondents Nos.3 and 4.

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CORAM : DR.D.Y.CHANDRACHUD, J.

January 10, 2005.

P.C.:

The Petitioner was appointed on probation for a period of two years with effect from 13th July 1998, as a teacher, in the Junior College of the First and Second Respondents. The School Tribunal upon reviewing the record and material produced before it, has come to the conclusion that the services of the Petitioner were dispensed with on the ground that they were not satisfactory. It was found that the Petitioner had, during his tenure, remained absent for 25 days during the year 1998-99. There were complaints from the students in regard to the performance of the Petitioner. In

view of the well settled position, the dispensation of the services of the Petitioner cannot be regarded as a termination for misconduct. During the period of probation, it is open to the management to assess the fitness of the employee. In the present case, nothing was produced before the School Tribunal to establish any case of victimisation. In the circumstances, no case for interference is made out. The Petition is accordingly rejected.

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